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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,) No. CR-07-634 MMC
12 Plaintiff,)
13 vs.)
14 DANIEL HICKEY,)
15 Defendant.)
16 _____) **STIPULATION AND [PROPOSED]
ORDER TO CONTINUE SENTENCING
DATE**
Date: March 26, 2008
Time: 2:30 p.m.
Court: The Honorable Maxine M. Chesney

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18 Undersigned counsel stipulate as follows:

19 1. Sentencing in this matter is currently set for March 26, 2008, at 2:30 p.m.;

20 2. Both the USPO assigned to the case, as well as defense counsel received earlier
this week approximately 1,000 pages of Mr. Hickey's medical records. Defense
counsel needs time to review these records in order to file sufficient objections to
the Presentence Report;

21 3. Government counsel and defense counsel have also made arrangements for the
viewing of computer images that are relevant to certain enhancements. Due to
scheduling difficulties, this meeting could not be arranged prior to the time

1 defense counsel's objections are due for the Presentence Report (February 30,
2 2008). Defense counsel needs to view the images prior to filing a final objection
3 letter with the Probation Department for the Presentence Report;

4 4. Defense counsel requests a continuance of the sentencing for the purpose of
5 allowing her to view and count the relevant images and their locations, as well as
6 review the 1000 pages of medical records and prepare a summary and a PSR
7 objection letter for the Probation Department that reflects the diagnoses contained
8 in the medical records, for the purpose of arguing that a departure is appropriate
9 on these grounds;

10 5. Government counsel has no opposition to the request for a continuance of the
11 sentencing date for this purpose. Government counsel is unavailable April 9 or
12 April 16, 2008. As such, the parties have agreed on April 23, 2008, at 2:30 p.m.;

13 6. USPO Jessica Goldsberry has been contacted by government counsel, and has no
14 objection to a continuance of the sentencing date to April 23, 2008 at 2:30 p.m.

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16 **IT IS SO STIPULATED**

17 Dated: February 28, 2008

18 /S/
19 ELIZABETH M. FALK
Assistant Federal Public Defender

20 Dated: February 28, 2008

21 /S/
22 ALLISON M. DANNER
Assistant United States Attorney

23 **|PROPOSED| ORDER**

24 GOOD CAUSE APPEARING, it is hereby ORDERED that the sentencing date in the

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1 aforementioned matter currently set for March 26, 2008, is vacated. The sentence date shall be
2 continued to April 23, 2008 at 2:30 p.m.

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4 **IT IS SO ORDERED.**

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6 Dated: February 29, 2008

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Maxine M. Chesney
THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE